



Mediation and Employment Relations Service

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By C Cini

LSA MEMBER UPDATE MARCH 2019

Work Health Safety, Meal Breaks, Minimum Wage Adjustment 2019, and

Single Touch Payment ("STP")

Now that seeding is around the corner there are some work health safety and Award house-keeping tips that need attention by farmer employers.

WORK HEALTH AND SAFETY

South Australian farmers are being fatally injured at a rate of almost five times their share of the workforce. On top of the high fatality rate, every week nine South Australian primary producers are injured seriously enough to access workers compensation. Frustratingly, many fatalities and serious injuries are preventable.

Commodity groups most at risk of serious injury are sheep, beef cattle and grain production, followed by grape growing and fruit and tree nut growing. For the period 2012-2016, the most common farm injuries across the agriculture sector were caused by:

- a) muscular stress while manual handling or lifting
- b) falls on the same level
- c) vehicle accidents
- d) being hit by animals.

As an experienced farmer, you may think you have safety covered – but it's experienced farmers who are most likely to die on-farm.

The Farmers Guide Book to Work Health and Safety which is a handy tool is accessible at https://www.safework.sa.gov.au/sites/default/files/3.1.6_farmersguidebook.pdf?v=1525225363

Here are some handy and simple tips (please note all page references in this Update refer to this Guide Book):

Step 1 - Risk Assessment

Before you start seeding and preparing for your farming duties undertake a risk assessment on your property. Don't leave it until after seeding or after an injury or accident occurs. Pages 131-134 and the following pages have a structured easy to follow process. If an injury or accident is reasonably foreseeable then it is preventable. Non-action in those circumstances can lead to prosecution, conviction, and fines.

Step 2 - Induction

Make sure all employees and contractors are inducted into your workplace (page 6). There is an easy to use induction checklist on page 125.



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Step 3 - Grain Growing House Keeping

Pages 90 to 93 provide a good guide for grain farming operations including machinery guarding, overhead powerlines, using chemicals and pest control substances (e.g. fuels, herbicides, insecticides, fungicides, rodenticides, grain fumigants), working at heights and heavy machine operation.

The safety risks related to fatigue should not be underestimated. Falling asleep is a real risk when working longer hours at those critical times of sowing or harvesting. Maintaining good health and alertness is especially important for you and your workers at these times. Working for extended periods without breaks, or under pressure, increases the risk of making mistakes that can lead to injury. Not sleeping for more than 17 hours or sleeping less than five hours before you start work, seriously affects your ability to work and is like having a 0.05 blood alcohol content.

Read more about the effects of fatigue on page 109.

Step 4 - Award Meal breaks

Whilst we are on fatigue, the Pastoral Award 2010 prescribes meal and rest breaks.

An employee **MUST** take an UNPAID break from all work-related activities of between 30 and 60 minutes within five hours of commencing work.

If the employer instructs the employee not to take this break, overtime payments apply until the break is taken. This can be costly for the farmer employer and increase fatigue for the employee.

Be pro-active and direct all employees to take this break, otherwise if you turn a “blind eye” and allow the employee not to take the break, it may be implied that you instructed the employee not to take the break. Minimise the risk and direct (ideally by memo) all employees that this break is non-negotiable.

In addition, the employee **MUST** take a PAID 10 minutes break each morning.

Step 5 - Working alone

When working alone is the only option (e.g. tractors etc), being prepared is the key to staying safe. You or your workers may be isolated even if other people are close by on a farm. In some situations, a worker may be alone for a short time, or be on their own for days or weeks in remote locations.

You are required to regularly check in on workers performing remote or isolated work to ensure they are safe e.g. do they have a fully charged mobile phone, is it in range, is there an arrangement for them to contact you or a Farm Manager etc, on say an hourly basis or periodically etc? Be sure to have something in place.



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Step 6 - Fire Control and Power Lines

6.1 Fire Control (page 12)

Most farmers have had experience coping with fires, as part of the local CFS or for their own stubble and windrow burning in paddocks. Fire is a risk throughout the year, especially during a drought, and therefore it should be a management activity all year. Fight fire before it starts by having a plan in place – both for a bushfire and for farm fires. Make sure everyone on your property is aware of it.

Digital infrared laser temperature gauge (generally about \$20 or so on eBay) can be used to check heat levels in machinery bearings.

6.2 Overhead Power Lines:

SafeWork SA states other factors to consider when working near power lines not being visible from all angles (e.g. due to glare from the sun) clearance distances being hard to judge from the ground, especially from the operator's viewpoint power lines, or an elevated load swaying, reducing clearances to dangerous levels, power lines sagging due to heat-induced expansion.

Step 7 First Aid (page 11)

As an employer you are, in accordance with the Work Health Safety Act, a Person Conducting a Business Unit ("PCBU") and as such you have a legal responsibility for ensuring adequate first aid provisions. Workers, and anyone else attending your property, must have access to first aid equipment, with an adequate number of people trained to administer first aid. The exact composition of your first aid equipment and number of trained first aiders will vary depending on the size of your workforce, the location of your workplace, and the risks associated with the nature of the work done there. A risk assessment will help you determine your first aid requirements and such organisations as St John can assist.

The Award makes specific provision for a First Aid Allowance for an employee who is:

- a) DESIGNATED by the employer to render first aid in addition to his or her usual duties;
AND
- b) is a current holder of a recognised first aid qualification, such as one from St John Ambulance or a similar body and is paid a daily allowance of 14% of the standard rate to carry out such work. (The standard rate in the Award is the Farm and Livestock Hand Lv 2 or currently \$19.47 per hour).

Minimum Wage Adjustment 2019

This decision is expected to be announced around mid-June 2019 and pay increases (if any) are likely to be effective from the first pay period commencing on or after 1st July 2019.

The ACTU claim is for 6% and the Employer Associations are expected to file their claim soon.



The pay increases over the past three years have been around 3%. In 2015-16 the increase was 2.5%, 2016-17 2.4% and last July 3.5%. The inflation rate during that period was about 2%

Single Touch Payment (“STP”)

We refer to previous updates on this topic. The Australian Tax Office has advised that smaller employers (19 and less employees must be compliant by 1st July 2019).

You will be exempt from reporting closely held payees during this financial year. However, all other employees (arms-length employees) must be reported through STP from 1 July 2019, or a deferred start date if one has been granted.

If you require more information you should contact your book-keeper, payroll processor, accountant or refer to the ATO link at

<https://www.ato.gov.au/newsroom/smallbusiness/employers/introducing-single-touch-payroll-to-all-employers/>

Summary

May this forthcoming season not only be successful, but also a safe and healthy one for all farm workers in South Australia.

If you have any queries regarding this Member Update, please do not hesitate to contact me or the LSA office.

Chas Cini